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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,061

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-4, and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-4, and 6-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 12/04/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09490061 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].**

Regarding to claims 3 and 6, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1, lines 6-15). As shown in Fukada FIG. 1, a digital camera may store pictures in a memory card 2, which is detachable. Picture image data are transferred to a hard disc of a personal computer 3 (Fukada, Col. 5, lines 5-24). As shown in Fukada FIG. 2, when a memory card is set into a card slot and the processing is started, image files within the memory card are read one by one in the order of recording (Fukada, Col. 6, lines 8-16) as *an image file*

readout unit for reading out an image file that has been recorded on the first loadable and removable recording medium. After reading the image file, the image file name is examined whether or not an image file with the identical file name already exists in the hard disc (Fukada, FIG. 2, Col. 6, lines 41-50). If the file name overlaps, the file name is changed to an identifying number without overlap (Fukada, FIG. 2, Col. 6, line 52-Col. 7, line 8). After all the processes as disclosed above, the image file is stored in a hard disc (Fukada, Col. 7, lines 9-17) as *a recording controller for recording the image file, which has been read out by said image file readout unit, on a second recording medium.* As disclosed by Fukada: a second storage means outside the digital camera means a server in a laboratory, a hard disc of a personal computer, or the like (Col. 3, lines 21-24). Fukada further makes a strongly suggestion: the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5). Thus, the computer as disclosed by Fukada could read and record the image data from the digital camera, and "the printing system sets in a laboratory, a personal computer..." as suggested by Fukada indicates the personal computer or the server could write or output the image data to the printer for printing via printer 7 or displaying via the monitor as in FIG. 1. In addition, a conventional computer could output the image data to a monitor or a printer for displaying or printing via I/O device. This indicates *an output unit for outputting an image file being recorded on the second recording medium by said recording controller.* Fukada fails to disclose the second recording medium is *loadable and removable.* However, Fukada uses a conventional computer as the device for processing

image files and obviously, the Fukada device has a loadable and removable recording medium such as an A drive. Thus, instead of processing in a hard drive, a loadable and removable recording medium such as floppy disk could be used for storing. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding to claim 4, Fukada teaches all the claimed subject matters as discussed in claim 3, Fukada further discloses a personal computer that has a monitor as in FIG. 1 as an *output unit is a display device for displaying an image represented by an image file that has been recorded on the second recording medium.*

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka [USP 6,438,320].

Regarding to claims 7, and 10, Hatanaka teaches a file system for managing image data of an electronic camera to prevent a plurality of files of the same name exist (Abstract). As shown in FIG. 3 is a system construction of the electronic camera 7. An image pickup unit 31 includes a lens and a CCD and generates a photographed image

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as image data, and audio sound can be recorded and is outputted as recording data by a recording unit 32. An auxiliary storage device 33 is used to store data from the image pickup unit 31 and recording unit 32 as a file. In this system, a memory card corresponding to PCMCIA as a detachable recording medium is used as an auxiliary storage device 33. Reference numeral 35 denotes a control unit constructing file name forming means. Reference numeral 36 denotes a file number threshold memory for holding the maximum value of the normal values among the numerical values included in the file. Reference numeral 37 denotes a current file number counter serving as a nonvolatile memory to hold the numerical values included in the file name that is subsequently formed (Col. 4, line 5-51). As shown in FIG. 4A-D is the forming method of the file name, and the CTG directory to store the file name in the system. Processes of checking if the card inserted into the electronic camera 7 is normal are executed in step S1 when the memory card serving as a storage medium is inserted into the electronic camera 7 or when the power source of the electronic camera 7 is turned on. In step S2, the file structure in the memory area of the card is examined and a check is made to see if the file of the file name "DC" exists in the root directory. In step S3, a check is made to see if the directory of the name "DC" exists in the root directory. When the DC directory does not exist, a DC directory is formed, and step S17 follows. After that, the processing routine advances to step S19. When the DC directory exists, step S4 follows. In step S4, the contents in the DC directory are examined. In step S5, a check is made to see if the CTG directory exists in the DC directory. If it does not exist, step S19 follows. In step S5, when one or more CTG directories exist in the DC directory, the

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processing routine advances to step S6. In step S6, a directory entry starting from "CTG" is searched from the directory entries in the DC directory. The directory entry having the maximum directory number is obtained from them and such a value is stored into a maximum directory number dirNoFound as a variable. In step S7, a check is made to see if something having the name corresponding to the maximum directory number dirNoFound obtained in step S6 is a file or a directory. In case of the file, step S8 follows and the value of the maximum directory number dirNoFound is increased by 1. In step S10, a check is made to see if the CTG directory in which the maximum directory number dirNoFound obtained in step S8 is set to the directory number exists. When it does not exist, a CTG directory is formed in step S11. In step S12, a check is made to see if the current directory number currDirNo is larger than the maximum directory number dirNoFound by comparing them. When it is larger, a CTG directory in which the current directory number is set to the directory number is formed in step S23. When it is smaller, the processing routine advances to step S13. In step S13, the contents in the directory in which the maximum directory number dirNoFound is equal to the directory number are examined. A file having the maximum file number among the files included in the directory is obtained and stored into the maximum file number fileNoFound. In step S14, the maximum file number obtained in step S13 is compared with the current file number. When the current file number is larger, step S15 follows. If NO, the processing routine advances to step S16. In step S15, the current file number is changed to the value obtained by adding 1 to the maximum file number. In step S16, a check is made to see if a CTG directory in which the current directory number is set to

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the directory number exists. When it exists, the processes are finished. When it does not exist, a CTG directory corresponding to the current directory number is formed in step S21 and the processing routine is finished. As shown in FIG. 9 is a constructional example of directories and files formed by the camera 7 in accordance with the process (Col. 4, line 52-Col. 7, line 67). This technique, especially FIG. 9, steps S6, S8, S13, and S15, indicates *a file-number readout device for reading out a last file-number of file-numbers for image files that have been recorded on a loadable and removable recording medium; an incrementing device for incrementing the last file-number read out by said file number readout device; an image-file recording controller for recording the image file on the loadable and removable recording medium*. Hatanaka does not explicitly disclose a first loadable and removable recording medium; a second loadable and removable recording medium, and the image-file from the first recording medium is read out for changing the file name and recording on the second recording medium. However, as shown in FIG. 2 is a construction of the file management system, hardware 19; an operating system 15, which operates on the hardware 19; and application software 14, which operates on the OS 15. The electronic camera 7 is connected to a bi-directional interface 26, an SCSI interface that can transmit and receive image data through the input device management system 16. In the system, the image data from the electronic camera 7 is transferred to a computer or the transferred image data is registered into the image data management system 11 by the electronic camera host application 11 (Col. 3, line 36-Col. 4, line 4). Thus, the Hatanaka process as discussed above could be implemented in the operating system 15 of the computer that connects to the camera 7 as a first

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loadable and removable recording medium, and instead of the hard disk 25, a high capacity floppy disk as a second loadable and removable recording medium could be used for storing the image files in the electronic camera 7. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Hatanaka system by using the camera 7 as a first loadable and removable recording medium, a high capacity floppy disk as a second loadable and removable recording medium, the process of reading out a last file number, incrementing the last file number, changing the file name has been read out from camera 7 to the incremented file number and recording on the high capacity disk is implemented on the OS 15 of a computer, and by doing this, a duplicated file name in the high capacity floppy disk could be avoid when processing the image files from multiple cameras 7.

Regarding to claim 8, Hatanaka teaches all the claimed subject matters as discussed in claim 7, Hatanaka does not discloses *a grouping device for grouping image files, which have been recorded on the second loadable and removable recording medium by said image file recording controller, according to the types of images represented by the image files*. However, as shown in FIG. 9, there are two types of image files: JPG and WAV files. Thus, when recording into the high capacity floppy disk, instead of grouping the files based on the file number (Col. 5, lines 28-45), image files of the same type could be grouped together. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Hatanaka system by grouping

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the files according to the type of the file in order to categorize multiple files in a file system.

Regarding to claim 9, Hatanaka teaches all the claimed subject matters as discussed in claim 7, Hatanaka further discloses *file name corresponding to each group to be recorded on the second loadable and removable recording medium* (FIG. 9).

Claim Objections

5. Claim 8 is objected to because of the following informalities:

Claim 8 recites the apparatus according to claim 1, and claim 1 is canceled by the applicant in the CPA filed on 12/04/2002. Appropriate correction is required.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any

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inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
January 13, 2003



JEAN M. CORRIELUS
PRIMARY EXAMINER